

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ORIGINAL

CRYSTAL SEAMAN,

Plaintiff,

Vs

FOOD GIANT SUPERMARKETS,

INC.,

Defendant.

CASE NO.:

2:05-CV-00414-T

The deposition of CRYSTAL SEAMAN
taken pursuant to the Alabama Rules of Civil
Procedure before Anna S. Padgett, Court
Reporter and Notary Public, State at Large,
at the Law Office of Charles W. Blakeney, 201
North Commerce Street, Geneva, Alabama on the
19th day of July, 2005, commencing at
approximately 12:00 a.m.

1 A Oh, no.

2 Q And this accident happened in 2003 --
3 April?

4 A It was April 25th. I remember that.

5 Q Okay. I guess, just in your own words
6 tell me what happened.

7 A I had went into the grocery store to
8 buy a few things. I was coming back out. I
9 had maybe three of the little plastic bags in
10 my buggy. They weren't full, full, you know.

11 And I came back out and I had the buggy
12 and I was looking out at the truck. And when
13 I came down the ramp, where the ramp connects
14 with the pavement of the parking lot, the
15 buggy came up on end and jammed my arm. And
16 when it did it came up like this and I ran
17 into it. And before it could completely hit
18 the ground I stepped back and lowered it down
19 and I backed up to see what happened. And
20 that was when I saw the hole and I went
21 around and went to the truck and put my stuff
22 in the truck. My husband asked me what was
23 wrong and then I told him and we went home.

24 Q Was your wrist -- was it hurting you
25 after the accident?

1 A Oh, yes, sir. It was hurting me right
2 then. It started hurting right then.

3 Q Okay. And as you were going down the
4 ramp, what part of the buggy got in the hole?

5 A Like the front -- the wheels I
6 believe -- I want to say it was the
7 right-hand wheel that went into the hole and
8 the buggy kind of came up like this.

9 Q The right front wheel?

10 A Right.

11 Q Okay. And you say the buggy popped up?

12 A Yes.

13 Q And your body ran into it?

14 A Right.

15 Q And I guess you were holding it on the
16 handle bars?

17 A Right. Because I took another step.
18 You know, when the buggy stopped, I
19 automatically had taken another step and kind
20 of bumped into it. But when I stepped back,
21 you know, I lowered it back down.

22 Q Okay. Did your body hit your elbow and
23 then you ran into it? I'm trying to see how
24 your body would have hit it?

25 A When I say my body hit it, I mean when

1 the buggy up-ended, being that I'm so big,
2 you know, part of the buggy came up and
3 touched me. I mean, it didn't hurt, you
4 know, here, but, I mean, my wrist was hurting
5 automatically. You know what I'm saying, I
6 wasn't bruised from the buggy hitting me.

7 Q What motion did your wrist go in once
8 you --

9 A I'm not -- it happened so quick. But I
10 know my hands were on the buggy and when the
11 buggy went up in the hole I was holding on to
12 the plastic handle and it kind of jammed both
13 of my wrists up and over like this. And the
14 buggy just stopped.

15 Q Okay. Did you at any point let go of
16 the buggy?

17 A No. I just automatically stepped back.
18 I mean, when I stepped back I let go and it
19 kind of bounced, you know, but --

20 Q Did the rear wheels leave the ground?

21 A Yes. The ones closest to me, yes.

22 Q All right. And what about your left
23 wrist, did it go up as well?

24 A No. It didn't hurt my left wrist, I
25 guess -- I don't know if it was because I was

1 the front of the buggy did that. And I
2 stepped back and looked and the hole was
3 right in here.

4 Q All right. And to clarify for the
5 record, when I say it's not this, that's the
6 top right. There is a -- it looks like a
7 little part breaking away right there but
8 it's not that part. And you say it was more
9 toward --

10 A It was more out here toward the front.
11 At the bottom of the ramp.

12 Q Toward the parking lot?

13 A Yes, sir.

14 Q The bottom of the ramp?

15 A Yes, sir.

16 Q And if you're going down the ramp it
17 would have been to your right?

18 A Yes, sir.

19 Q Okay. Do you know how far over you
20 were on the ramp towards the right?

21 A No, sir, I don't. I'm not positive.

22 Q Okay. But it was the right front wheel
23 of the buggy that got stuck in the hole?

24 A I'm pretty sure, yes, sir. I believe
25 it was because I remember backing up and

1 moving to the left and seeing the hole.

2 Q And, again, you're sure it didn't get
3 stuck on this top part of the ramp?

4 A Yes, sir, I am.

5 Q Okay. And did you look at hole after
6 the accident?

7 A After I hit it, yes, sir.

8 Q How big was it? Can you describe that?

9 A It was probably five inches around,
10 maybe four. I would say it was at least a
11 couple inches deep.

12 Q Was it kind of like an indentation in
13 the ramp?

14 A No. It was like the asphalt, where
15 they joined, it had busted out.

16 Q Okay.

17 A I mean, you know how the asphalt on the
18 road will do from trucks, it just busted out
19 or that's what it looked like.

20 Q So it actually wasn't the ramp, it was
21 after you got off the ramp -- it was a hole
22 in the parking lot?

23 A Part of the hole was on the ramp.

24 Q Okay. Was it at the meeting point of
25 the ramp and the parking lot?

1 A You're asking me which had more of the
2 hole?

3 Q But there was hole -- I mean, I'm
4 asking you was the hole on the ramp and in
5 the parking lot?

6 A I believe. And that's been covered.
7 That wasn't like that.

8 Q What wasn't like that?

9 A There was a hole there.

10 Q Oh, okay. On the bottom right. Okay.
11 How often do you shop at this grocery store?

12 A At the time I was probably there at
13 least once a week, I guess.

14 Q Once a week. Was there a certain day
15 you would normally go?

16 A No. It wasn't my regular grocery
17 store. I mean, I just popped in and out. It
18 was convenient.

19 Q Where is your regular grocery store?

20 A At the time it was IGA in Opp.
21 Actually, it still is.

22 Q Why would you pop into this grocery
23 store?

24 A Convenience. It was just convenient.
25 I lived in Hacoda at the time. It was a few

1 miles up the road.

2 Q Okay. Had you ever noticed any
3 problems with this ramp before?

4 A No.

5 Q What about on your way into the store
6 did you have any trouble going up the ramp?

7 A No, sir. I didn't pay attention. But,
8 I mean, it wasn't something I was looking
9 for, you know.

10 Q Okay. Have you heard of anyone else
11 having any problems with that hole?

12 A No, sir.

13 Q And you don't know how the hole was
14 created?

15 A No, sir.

16 Q Or how long it had been there?

17 A No, sir.

18 Q Did you speak with anyone after the
19 accident?

20 A When I went to the truck, I spoke to my
21 husband. Then, the next morning, we called
22 back to the store and I spoke to -- I believe
23 her name was Marcy. I'm not positive. She
24 was the manager.

25 Q You called on the phone?

1 A Probably not.

2 Q Besides your doctors?

3 A Well, yeah. I live a pretty secluded
4 life, so --

5 Q And have y'all been back out there and
6 taken any pictures?

7 A No, sir. My husband rode through the
8 parking lot -- I don't recall if it was --
9 the hole was still there or not. I don't
10 even know how long after the accident that
11 was.

12 Q But that was in 2003 though?

13 A Oh, yeah. It was right after the
14 accident. He rode back through to see if it
15 was covered.

16 Q And what did he find?

17 A It was still there. But, no, we don't
18 have any pictures.

19 Q Did he go look at it on the day of the
20 accident?

21 A No, sir, he couldn't get out of the
22 truck.

23 Q Why couldn't he get out of the truck?

24 A He had just had surgery.

25 Q Did you drive him by the hole on the

1 day of the accident and point it out to him?

2 A Yes, sir.

3 Q Could he see it from the truck?

4 A Yes, sir. I pulled him right up beside
5 it.

6 Q And you were driving?

7 A Yes, sir.

8 Q Did he make any comment about the hole?

9 A I believe he said that it should have
10 been taken care of or something to that
11 nature, because it was really dangerous.

12 Q How long has your husband been on
13 workman's comp?

14 A He's not on workman's comp.

15 Q Oh. He's not on worker's comp?

16 A No, sir. My husband works.

17 Q Okay. Where does he work now?

18 A For -- I went totally brain dead. Pate
19 Logging. I'm sorry.

20 Q Pate Logging?

21 A PATE, P-A-T-E.

22 Q Did your wrist bother you driving home
23 that night?

24 A Oh, yes, sir. It bothered me -- it's
25 bothered me ever since.

1 A No. The bar had ahold of my arm
2 because when it jammed, my hand was on the
3 bar.

4 Q You were holding -- you were gripping
5 the bar when it hit?

6 A Right.

7 Q Okay. Any other part of the buggy hit
8 you when you hit the ramp?

9 A Not that I know of.

10 Q Did your legs run into it at all?

11 A Not that I can recall.

12 Q Okay. And I guess the bar didn't go up
13 against anywhere on your body?

14 A No. Just like I said, I had ahold of
15 the bar and it went -- when the buggy went
16 up, the bar went away from me.

17 Q All right. After you saw the hole --
18 after the accident, I mean, was it obvious
19 that it was there or if you were walking in
20 and you were looking down, would you have you
21 seen it?

22 A Probably. I mean, it was that -- it
23 was big enough that you could have stepped in
24 it.

25 Q Okay. And do you know what prevented

1 you from seeing it on your way out?

2 A The buggy was in front of me.

3 Q But you couldn't see through the buggy
4 -- the holes in the buggy?

5 A No, sir because the bags were -- and I
6 wasn't looking down. I mean, I was looking
7 out at the parking lot to see if anybody was
8 coming.

9 Q If you had of been looking down, do you
10 think you could have seen it on your way out?

11 A Probably.

12 Q Do you know why you didn't see it on
13 the way in?

14 A No, sir. I have no -- probably because
15 I wasn't looking down.

16 Q But if you would have been looking down
17 on the way in you could have seen it?

18 A I don't know.

19 Q Did you see a carpeted mat on the day
20 of the accident?

21 A Yes, sir.

22 Q And where was it?

23 A Rolled up to the side of the soda
24 machine off to my left.

25 Q Okay. Do you know how it got there?